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Filed : October 16, 2003

REMARKS

Claims 1-3, 5-12, 14-20, 23, 24, and 27-39 were pending in the application. By this paper, Applicant has amended Claims 1, 15, 16, 20, 27, 30, 36, and 39, canceled Claim 6 without prejudice, and added new Claims 40-41. Accordingly, Claims 1-3, 5, 7-12, 14-20, 23, 24, and 27-41 are presented for examination herein.

§102 Rejections

Per page 7 of the Office Action, Claims 12 and 14-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hart (U.S. Patent No. 5,473,368; hereinafter referred to as “Hart”). In response to these rejections, Applicant provides the following remarks.

Claim 12 – Applicant respectfully traverses the Examiner’s §102 rejection of Claim 12 as being anticipated by Hart.

Applicant notes that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131.

The Examiner argues that Hart discloses the presence of the at least one camera being not readily expected or discernable by inhabitants of the location, thereby providing covertness. Specifically, the Examiner asserts that Hart describes a weather shelter which “*covers the camera 22 in a covert, secretive manner to make the camera not readily discernable by people in the location so as to blend in with the environment of the monitored location and to prevent discovery of the camera 22.*” Applicant respectfully disagrees with the Examiner’s assertions.

Applicant submits that Hart does not expressly or inherently describe the presence of the at least one camera being not readily expected or discernable by inhabitants of the location. Rather, the weather shelter described in Hart is illustrated in FIG. 1 to merely comprise a single panel which is raised above the camera by one or more posts. At col. 6, ll. 2-4 Hart discloses “A weather shelter 8 or the like may be installed over the device to provide some protection from the elements”. Hence, Hart makes no attempt or mentions covering “the camera 22 in a covert or secretive manner”. Accordingly, the camera is visible from any direction available to local inhabitants (i.e., is visible from the sides, the back and the front). Since the camera is visible

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from literally all relevant angles, inhabitants of the location would expect the camera and would be able to discern the camera. Consequently, Hart does not teach the presence of the at least one camera being not readily expected or discernable by inhabitants of the location.

Therefore, Applicant respectfully contends that each and every limitation of Claim 12 is not expressly or inherently described by Hart. Thus, the claim is not anticipated thereby.

Claim 20 – By this paper Applicant has amended Claim 20 to recite at least one processing entity in communication with said camera and adapted to receive said video signal and to process said received video signal in a digital form. Support for this amendment may be found at, *inter alia*, page 9, lines 16-30 and FIG. 4b of Applicant's specification as filed.

The Examiner asserts on page 8 of the Office Action that Hart discloses "least one processing entity in data communication with said camera and adapted to process said video signals to produce processed video data for viewing (col.6, lines 43-46, FIG. 1-2, element 14, where FIG.3 is the interior of element 14, and that element 52 is the processing unit that is in communication with the sensor 22". Applicant respectfully disagrees. Hart discloses a one-way data communication interface from microcontroller 52 to camera 22 (FIG. 3, elements 68, 66, 64) that simply controls the orientation (pan and tilt) and operation (on, off, and focal length zoom) of the camera 22 (col. 7, ln. 49-65). Hart does not disclose camera that is in data communication with the processing entity, wherein video signals from the camera are being sent to the processing entity. Hence, it is not possible for Hart's apparatus to process video signals to produce processed video data for viewing. Consequently, Hart does not teach processing entity in data communication with said camera and adapted to process said video signals to produce processed video data for viewing.

Given the foregoing Applicant respectfully contends that each and every limitation of amended Claim 20 is not expressly or inherently described by Hart. Thus, the claim is not anticipated thereby.

§103 Rejections

1. Per page 10 of the Office Action, Claims 1-3, 5-11, 27-29 and 36-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Ramirez-Diaz, et al. (U.S.

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Patent No. 6,476,858; hereinafter referred to as "Ramirez-Diaz"). In response thereto, Applicant has provided the following remarks.

Claim 1 – Applicant respectfully traverses the Examiner's §103(a) rejection of Claim 1 as being unpatentable over Hart in view of Ramirez-Diaz.

Applicant respectfully notes that "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.*" *In re Royka*, 490 F.2d 981 (CCPA 1974). See MPEP 2143.03.

Applicant contends that neither Hart nor Ramirez-Diaz teaches or suggests processing comprising permutation of the first data. The term "permutation is derived from the Latin word *permutare* meaning exchange or swap. According to *Merriam Webster* online dictionary, 2009:

"1: often major or fundamental change (as in character or condition) based primarily on rearrangement of existent elements <the system has gone through several *permutations*> ; *also* : a form or variety resulting from such change <technology available in various *permutations*>

2 a: the act or process of changing the lineal order of an ordered set of objects b: an ordered arrangement of a set of objects." {emphasis added}

On page 10 of the Office Action, the Examiner contends that element 52 (the microcontroller) of Hart comprises a processing entity adapted to process the first data to produce second data. Assuming, *arguendo*, the Examiner's contention to be correct, Applicant submits that the microcontroller 52 merely converts the data from an analog to a digital signal (see e.g., column 7, lines 2-4). Converting data from analog to digital does not comprise permutation of the data as now recited by Applicant in Claim 1. **Those skilled in the art of image and video processing would simply not equate the claimed permutation process with analog to digital conversion as it applies to video data.** Thus, Hart does respectfully not disclose permutation of the first data.

Furthermore, on page 11 of the Office Action the Examiner argues that, Ramirez-Diaz teaches the reduction in visual clarity of image data when displayed (col.6, ln.55 to col.7, ln.6, FIG.2). Applicant respectfully disagrees. While Ramirez-Diaz discloses "*control icons 122 allow user to adjust settings ... such as camera video motion detect sensitivity, video brightness*

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and contrast, and the image area of surveillance”, he fails to teach reduction in visual clarity of the processed video data. Applicants notes, that reduction of the visual clarity or resolution of the images through processing of the data generated by the camera as described by the Applicant’s specification as filed at page 9 lines 19-20 is different from brightness and contrast adjustments, well known in the art and routinely available with most video sensing apparatus.

However, in order to more unambiguously distinguish its invention of Claim 1 over the prior art, Applicant has herein amended Claim 1 to recite: (i) at least one processing entity in data communication with said sensor and adapted to receive said first video data and to process said received first data; and (ii) permutation of the order of at least a portion of the first video data.

Support for these amendments may be found at, *inter alia*, page 9, lines 16-30 and FIG. 4b of Applicant’s specification as filed; see also Claim 6 as originally filed.

As to Item (i), none of the cited art teaches or suggests these limitations. The sensor of Hart or Ramirez-Diaz does not produce data which is received by the processing entity.

As to Item (ii), the Examiner asserts that Ramirez-Diaz at col. 7 lines 51-57 discloses controls that allow “the user make certain areas of the video camera image insensitive to motion”; Applicant fails to reconcile how the process of making certain areas of the video camera image insensitive to motion as taught by Ramirez –Diaz relates to the process of selective permutations of the order of at least a portion of the data as now recited in Claim 1.

Therefore, Applicant respectfully contends that each and every limitation of Claim 1 as amended is not expressly or inherently described by Hart and/or Ramirez-Diaz. Thus, the claim is not rendered obvious thereby.

Claim 27 – By this paper Applicant has amended Claim 27 to recite “at least one sensor adapted to generate first video data; and at least one processing entity in communication with said camera and adapted to receive said video data and to process said received video data”. Support for this amendment may be found at, *inter alia*, page 9, lines 16-30 and FIG. 4b of Applicant’s specification as filed. Applicant respectfully asserts that microcontroller unit 52 of Hart’s apparatus is not configured to receive video data generated by the video camera 22. Hence, it is not possible for Hart’s apparatus to process video signals and to produce processed video data.

Furthermore, on page 14 of the Office Action the Examiner contends that Ramirez-Diaz

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teaches “permitting intentional influencing of the reduction of visual clarity of the obtained data when the data is displayed on screen for viewing, thus the visual clarity of the second data is reduced)” (col. 6, line 55 to col. 7, line 6, FIG. 2). Applicant respectfully disagrees. At col. 6, line 55 to col. 7, line 6, Ramirez-Diaz discloses the dynamic adjustment of video image size whenever the user adjusts the size of the viewing window size, while preferably maintaining the image aspect ratio of 4/3. On page 15 of the Office Action, the Examiner states that “Ramirez-Diaz permits the user to adjust the settings of the camera to affect the video motion detection sensitivity, video brightness and contrast, as well as the image area of surveillance for permitting intentional influencing of the reduction of visual clarity of the obtained data when the data is displayed on screen for viewing, thus the visual clarity of the second data is reduced”. {emphasis added} While Ramirez-Diaz does disclose controls for adjusting video contrast and brightness, he does not in any way teach or suggest reduction in visual clarity of the processed video data without user intervention.

Therefore, Applicant respectfully contends that each and every limitation of amended Claim 27 is not expressly or inherently described by Hart and/or Ramirez-Diaz. Thus, the claim as amended is not rendered obvious thereby.

2. Per page 18 of the Office Action, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Arbuckle, et al. (U.S. Patent No. 6,637,952; hereinafter referred to as “Arbuckle”). In response thereto, Applicant has provided the following remarks.

Claim 23 and 24 – Applicant respectfully traverses the Examiner’s §103(a) rejection of Claims 23 and 24 as being unpatentable over Hart in view of Arbuckle.

On page 18 of the Office Action the Examiner argues that Hart teaches “a quick-change, low-cost sensor assembly”. Applicant respectfully disagrees and contends that the camera assembly 22 as disclosed by Hart at col. 6 lines 15-40 and at col. 9 lines 63-65 has a multitude of advanced features, *inter alia*, plurality of PIR sensors, pivotal mounts enabling camera to travel in horizontal and vertical planes, ultrasonic rangefinder, cabling for communicating with electronic circuitry, motorized zoom to adjust focal length of zoom, that are indicative of an advanced video camera apparatus rather than a low cost camera recited in Claims 23 and 24.

Further on page 18, the Examiner contents that Hart discloses “assembly adapted to

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permit removal of a sensor and replacement with another identical or different sensor".

Applicant respectfully asks the Examiner to point out specifically relevant passages within Hart's specification that support his contentions of (i) quick removal and (ii) multi-functionality (i.e.,

note specifically Applicant's claim language regarding "identical or different", meaning both

must be supported). On the contrary, camera assembly 22 as disclosed by Hart at col. 6 lines 15-

40 and at col. 9 lines 63-65 has a multitude of advanced features, *inter alia*, plurality of PIR

sensors, pivotal mounts enabling camera to travel in horizontal and vertical planes, cabling for

communicating with electronic circuitry, motorized zoom to adjust focal length of zoom, that are

not conducive for quick removal apparatus. Furthermore, at col. 5 lines 65-66 and col. 6 lines 1-2

Hart specifically discloses "a stationary base portion 14 which may be permanently installed and

immovably affixed to a stationary supporting structure, e.g., the building B of FIG. 1" which

suggests a permanent installation rather than a removable camera apparatus of the invention of

Claims 23 and 24.

The Examiner further contends that Arbuckle discloses "the support element comprising

at least one second electrical interface comprising electronic circuitry adapted to transmit

electrical power and information signals to and from the at least one first interface (col. 5, ln. 15-

22)". Applicant respectfully disagrees and asks the Examiner to point out specifically where in

the specification Arbuckle discloses "electrical interface comprising electronic circuitry".

Applicant submits that Arbuckle merely discloses, at column 5, lines 4-14 and column 6,

line 66 – column 7, line 5, a support element capable of accommodating electrical wires, and

does not disclose an electrical interface comprising electronic circuitry adapted to transmit

electrical power and information signals to and from the at least one first interface. There is

respectfully a difference between merely accommodating electrical wires, and an electrical

interface comprising electronic circuitry adapted to (internally) transmit power and information

signals as part of its structure.

Mere accommodation of electrical wires cannot in any reasonable interpretation be

considered an "interface", especially in light of how Applicant has used this term in its

specification (which the Examiner respectfully must as a matter of law consider).

As noted above, Applicant respectfully submits that Arbuckle merely discloses a housing

able to accommodate electrical wires (see e.g., column 5, lines 4-14 and column 6, line 66 –

column 7, line 5). Accordingly, Arbuckle does not teach or suggest at least one second electrical

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interface comprising electronic circuitry adapted to transmit electrical power and information signals to and from the at least one first interface. Therefore, Claims 23 and 24, are not rendered obvious given the disclosures of Hart and Arbuckle.

3. Per page 21 of the Office Action, Claims 20, 33-36 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart in view of Thomas (U.S. Patent No. 7,134,130 B1; hereinafter referred to as "Thomas"). In response thereto, Applicant has provided the following remarks.

Claim 20 – Applicant respectfully traverses the Examiner's §103(a) rejection of Claim 28 as being unpatentable over Hart in view of Thomas. On page 21 of the Office Action the Examiner argues that Hart discloses "least one processing entity in data communication with said camera and adapted to process said video signals to produce processed video data for viewing (col.6, liles.43-46, FIG. 1-2, element 14, where FIG.3 is the interior of element 14, and that element 52 is the processing unit that is in communication with the sensor 22". Applicant respectfully disagrees.

Hart discloses a one-way data communication interface from microcontroller 52 to camera 22 (FIG. 3, elements 68, 66, 64) that simply controls the orientation (pan and tilt) and operation (on, off, and focal length zoom) of the camera 22 (col. 7, lanes 49-65). Hart does not disclose camera that is in data communication with the processing entity, wherein video signals from the camera are being sent to the processing entity. Hence, it is not possible for Hart's apparatus to process video signals to produce processed video data for viewing. Consequently, Hart does not teach processing entity in data communication with said camera and adapted to process said video signals to produce processed video data for viewing.

Moreover, Applicant respectfully submits that Hart, for reasons similar to those set forth above, does not recognize the problem solved by the invention of Claim 20. "[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the 'subject matter as a whole' which should always be considered in determining the obviousness of an invention under 35 U.S.C. §103." *In re Spinnable*, 405 F.2d 578, 585 (CCPA 1969).

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However, in order to more unambiguously distinguish its invention of Claim 20 over the prior art, Applicant has herein amended Claim 20 to recite at least one processing entity in communication with the camera adapted to receive said video signal and to process the received video signal. Support for this amendment may be found at, *inter alia*, page 9, lines 16-30 and
5 FIG. 4b of Applicant's specification as filed.

Although Thomas teaches automatic blocking or termination of the display or playing of video material when someone outside the predetermined allowed audience is present, Thomas does not recognize the need for processing video data, collected by a security sensor, to selectively preclude viewing portions of the field of view based on the destination.

10 Applicant respectfully contends that Hart teaches a video surveillance system that is aimed at "providing a relatively high resolution, narrow field of view video of any intruder in the area, by means of a secondary range determination system providing input to a camera control for elevation and control of the focal length thereof" (col. 1 lines 54-59). Hart further teaches ultrasonic rangefinder, plurality of PIR sensors for detecting the precise location of the intruder
15 and providing precise control of azimuth, angular elevation, and focal length of the camera to provide a relatively high resolution picture of an intruder (col. 4 lines 39-44). {emphasis added}

Therefore, Applicant respectfully submits that Hart *teaches away* from combination with Thompson to produce the invention of Claim 20 (i.e., Hart teaches surveillance system for accurate detection of intruder's location and producing high resolution images within the of the
20 field of view of the camera, while Thompson teaches prevention of display or blocking of certain portions from field of view). Moreover, blocking or censoring image data would make the details of the intruder not discernable and hence render Hart's invention inoperable for its intended purpose. See MPEP 2143.01: "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation
25 to make the proposed modification." *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984) {emphasis added}

Therefore since: (i) Hart and/or Thomas do not or inherently describe each and every limitation of amended Claim 20, (ii) Hart teaches away from the invention of Claim 20, and (iii) combination of Thompson and Hart renders Hart's invention inoperable the invention of Claim
30 20 as presented herein is patentably distinguishable over Hart and Thomas, and not rendered obvious thereby.

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Claim 33 – Applicant respectfully traverses the Examiner’s §103(a) rejection of Claim 28 as being unpatentable over Hart in view of Thomas. Per MPEP 2143.03: “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981 (CCPA 1974).

On page 22 of the Office Action the Examiner contends that Hart discloses “at least one processing entity in operative communication with said sensors and adapted to process raw data from the sensors to produce processed data, said processed data having at least one desired attribute not present in said raw data”. Applicant respectfully disagrees and asserts that at col. 6, lines 17-24 and FIG. 1 Hart fails to teach the limitation of processing raw data said processed data having at least one desired attribute not present in said raw data.

Furthermore, on page 23 of the office action the Examiner argues that “it would have been obvious to one of ordinary skill in the art to include the processing entity within the sensor for interactively connecting with the sensors for obtaining relevant detected data of the monitored scene so as to permit processing captured raw data and permit the accurate, clear display and presentation of the monitored scene”. However, the Examiner respectfully fails to explain how the abovementioned processing relates to producing processed data, said processed data having at least one desired attribute not present in said raw data.

Applicant respectfully contends that Hart teaches a video surveillance system that is aimed at “providing a relatively high resolution, narrow field of view video of any intruder in the area, by means of a secondary range determination system providing input to a camera control for elevation and control of the focal length thereof” (col. 1 lines 54-59). Hart further teaches ultrasonic rangefinder, plurality of PIR sensors for detecting the precise location of the intruder and providing precise control of azimuth, angular elevation, and focal length of the camera to provide a relatively high resolution picture of an intruder (col. 4 lines 39-44). {emphasis added}

Applicant respectfully submits that Hart, for reasons similar to those set forth above, *teaches away* from combination with the processing to produce the invention of Claim 33. Therefore since: (i) Hart and/or Thomas do not or inherently describe each and every limitation of amended Claim 20, (ii) Hart teaches away from the invention of Claim 33 the invention of Claim 33 as presented herein is patentably distinguishable over Hart and Thomas, and not rendered obvious thereby.

Claim 36 – Applicant respectfully traverses the Examiner’s §103(a) rejection of Claim 35 as being unpatentable over Hart in view of Thomas.

By this paper Applicant has amended Claim 36 to recite at least one sensor to generate first video data; and at least one processing entity in data communication with the sensor and adapted to receive and process the first video data to produce second data. Support for this amendment may be found at, *inter alia*, page 9, lines 16-30 and FIG. 4b of Applicant’s specification as filed.

Applicant further asserts that while Hart discloses a one way data communication interface from microcontroller 52 to camera 22 (FIG. 3, elements 68, 66, 64) that simply controls the orientation (pan and tilt) and operation (on, off, and focal length zoom) of the camera 22 (col. 7, lanes 49-65), Hart does not disclose camera that is in data communication with the processing entity, wherein video data from the camera are being sent to the processing entity. Hence, it is not possible for Hart’s apparatus to process first (raw) video data and to produce second (processed or not processed) data. Consequently, Hart does not teach processing entity adapted to process first (raw) video data to produce second (processed or not processed) data.

Therefore, Applicant respectfully asserts that each and every limitation of amended Claim 36 is not expressly or inherently described by Hart and/or Thomas. Thus, the claim is not anticipated thereby.

Claim 39 – Applicant respectfully traverses the Examiner’s §103(a) rejection of Claim 35 as being unpatentable over Hart in view of Thomas.

Applicant further asserts that while Hart discloses a one way data communication interface from microcontroller 52 to camera 22 (FIG. 3, elements 68, 66, 64) that simply controls the orientation (pan and tilt) and operation (on, off, and focal length zoom) of the camera 22 (col. 7, lanes 49-65), Hart does not disclose camera that is in data communication with the processing entity, wherein video data from the camera are being sent to the processing entity. Hence, it is not possible for Hart’s apparatus to process first (raw) video data and to produce second (processed or not processed) data. Consequently, Hart does not teach processing entity adapted to process first (raw) video data to produce second (processed or not processed) data for viewing or distribution

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However, in order to more unambiguously distinguish its invention of Claim 39 over the prior art, Applicant has herein amended Claim 39 to recite at least one processing entity in communication with said camera adapted to receive said video data and to process said received video data. Support for this amendment may be found at, *inter alia*, page 9, lines 16-30 and FIG. 4b of Applicant's specification as filed.

Therefore, Applicant respectfully contends that each and every limitation of amended Claim 39 is not expressly or inherently described by Hart. Thus, the claim is not rendered obvious thereby thereby.

4. Per page 27 of the Office Action, Claims 30-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hart and Ramirez-Diaz and in view of Thomas. In response thereto, Applicant has provided the following remarks.

Claim 30 – Applicant respectfully traverses the Examiner's §103(a) rejection of Claim 30 as being unpatentable over Hart and Ramirez-Diaz in view of Thomas. The Examiner argues on page 28 of the Office Action that Hart discloses "processing raw image collected by said one sensor to produce second data, said second data having at least one attribute associated therewith (col.6, liles.43-46, FIG. 1-2, element 14, where FIG.3 is the interior of element 14, and that element 52 is the processing unit that is in communication with the sensor 22". Applicant respectfully disagrees. Hart discloses a one-way data communication interface from microcontroller 52 to the camera 22 (FIG. 3, elements 68, 66, 64) that simply controls the orientation (pan and tilt) and operation (on, off, and focal length zoom) of the camera 22 (col. 7, ln. 49-65). Hart does not disclose camera that is in data communication with the processing entity, wherein video data signals from the camera are being sent to the processing entity. Hence, it is not possible for Hart's apparatus to process video signals to produce processed video data for viewing. Consequently, Hart does not teach processing entity in data communication with said camera and adapted to process said video signals to produce processed video data for viewing.

Moreover, Applicant respectfully submits that Hart, for reasons similar to those set forth above, does not recognize the problem solved by the invention of Claim 15. See discussion of *In re Spoppable, supra*. There is respectfully no indication in the file history that the Examiner has

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ever considered this issue as required by MPEP 2141.02.

However, in order to more unambiguously distinguish its invention of Claim 30 over the prior art, Applicant has herein amended Claim 30 to recite a processing apparatus adapted to receive raw image data from said sensor. Support for this amendment may be found at, *inter alia*,
5 page 9, lines 16-30 and FIG. 4b of Applicant's specification as filed.

Although Thomas teaches automatic blocking or termination of the display or playing of video material when someone outside the predetermined allowed audience is present, Thomas does not recognize the need for processing video data, collected by a security sensor, to selectively preclude viewing portions of the field of view based on the destination.

10 Furthermore, the field of Thomas' invention lies in the general field of controlling television or personal computer output based on the suitability of the e.g., television programming content. (col. 1 lines 5-7) while the present invention relates generally to the field of sensor and monitoring and apparatus for non-intrusively monitoring systems remote locations. Hence, Applicant respectfully submits that Thomas, for reasons similar to those set forth above,
15 does not recognize the problem solved by the invention of Claim 30, and hence does not comport with MPEP 2141.02.

Therefore, Applicant respectfully contends that each and every limitation of amended Claim 30 is not expressly or inherently described by Hart or Ramirez-Diaz or Thomas, whether alone or in combination. Thus, the claim is not rendered obvious thereby.

20 *New Claims*

By this paper Applicant has added a new Claims 40 and 41.

Claim 40 recites, *inter alia*, (i) an optical band camera adapted to generate first video signals; (ii) A/D converter apparatus in communication with the camera and adapted to render
25 the first video signals as first digital video data; and (iii) a processing entity in data communication with the A/D converter, the processing entity adapted to receive the first digital video data and to process the first digital video data to in the digital domain according to a digital processing algorithm to produce second digital video, the second data having reduced visual clarity when the second data is displayed, the reduced visual clarity being an intentional
30 byproduct of the aforementioned processing. None of the cited art respectfully teaches or

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suggests elements (i)-(iii) above, and in fact teaches away from combination to produce the invention of Claim 40.

New Claim 41 generally relates to the subject matter of existing Claim 12. None of the cited art respectfully contemplates the covert aspects of the invention of Claim 41, and the creation of processed video data for viewing, the processed data having intentionally reduced visual clarity, in conjunction with the other limitations of Claim 41. Applicant therefore submits that new Claims 40 and 41 distinguish over the art of record, and are in condition for allowance.

Other Remarks

Applicant hereby specifically reserves all rights of Appeal (including without limitation those under the Pre-Appeal Brief Pilot Program), as well as the right to prosecute claims of different or broader scope in a continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention and responding to the aforementioned restriction election, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such claim cancellations or additions.

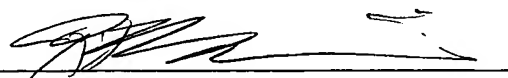
Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims. If the Examiner has any questions or comments that may be resolved over the telephone, he/she is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

GAZDZINSKI & ASSOCIATES, PC

Dated: May 27, 2009

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